

**MINUTES OF THE CITY COMMISSION MEETING  
NOVEMBER 10, 2003**

The City of Leesburg Commission held a regular meeting Monday, November 10, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:31 p.m. with the following members present:

Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Commissioner David Knowles  
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Bob Lovell gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
OCTOBER 27, 2003 AND WORKSHOP HELD OCTOBER 20, 2003**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held October 27, 2003. Commissioner Knowles seconded the motion and it carried unanimously. Commissioner Lovell moved to approve the City Commission minutes of the workshop held October 20, 2003. Commissioner Knowles seconded the motion and it carried unanimously.

**PRESENTATION OF SERVICE AWARDS**

- A. Police Chief Chuck Idell presented service awards to Peggy Duggins for thirty years with the City of Leesburg; Larry Byrd for twenty-five years with the City of Leesburg; and Nick Romanelli for ten years in the Police Department.
- B. Community Development Director (CDD) Laura McElhanon presented John Meier V, GIS, a service award for twenty-five years with the City of Leesburg.
- C. CM Stock presented Stan Carter a service award for fifteen years in the MIS Department.
- D. MIS Director Stan Carter presented Rich Schwacke a service award for fifteen years in the MIS Department.

**CERTIFICATION OF NOVEMBER 4, 2003, ELECTION RESULTS**

ACC Richardson certified the November 4, 2003 election results stating John Christian was elected as City Commissioner, District Two, Seat Two.

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### **AIRPORT CONSTRUCTION PROJECTS PRESENTATION BY DEPUTY CITY MANAGER ROBERT JOHNSON AND FIRE CHIEF DENNIS SARGENT**

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DCM Johnson updated the Commission on several of the airport construction projects:

1. Line Service Building – located off Wilco Drive and Airport Blvd where the shade hangars are located. This will be the Welcome Center for the airport, house Customs, and will house SunAir Aviation. Construction is slated to begin April 2004 and be complete by August 2004.
2. Control Tower – located where SunAir Aviation is currently. This will be a secure location with no elevator. It may house the Airport Manager's office. Construction is scheduled to begin in March 2004 and be complete by January 2005.
3. Fire Station – located behind the Cracker Barrel restaurant. Fire Chief Dennis Sargent added the plan calls for 2 units. It will also house a Lake Sumter EMS unit. The Airport Rescue Firefighting vehicle will be in the back. There will be a watch office on all sides. Construction is scheduled to begin January 2004 and be completed by August 2004.

### **CONSENT AGENDA:**

Commissioner Knowles stated, for the record, he is a dues paying member of the Sunrise Kiwanis Club, but does not derive any profit or loss from the club. Thus, he will vote on the resolution involving the Kiwanis Club.

Pulled B4 (CSX property)

Commissioner Perry moved to approve the Consent Agenda except item B4 and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

### **PURCHASING ITEMS:**

1. 03-FB-67 Padmount Switchgear for the Electric Dept. awarded to Trayer Engineering Corp (\$31,630) and Hughes Supply Inc. (\$101,550.00) for a total of \$133,180.00.
2. LB-04-02 Canal Street Wastewater Plant Rehabilitation awarded to Prime Construction Group for \$659,000.00.

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### **RESOLUTIONS:**

#### **RESOLUTION 6957**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Prime Construction Group, Inc. for the Canal Street Plant rehabilitation pursuant to Bid #LB-04-02, and providing an effective date.

#### **RESOLUTION 6958**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Kiwanis Club of Leesburg-Sunrise, Inc., for the purpose of setting forth terms and conditions under which Kiwanis will act as exclusive beverage provider at the Susan Street Recreational Complex; and providing an effective date.

#### **RESOLUTION 6959**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to amend the prior agreement between the City of Leesburg and Leesburg Junior Jackets, Inc. for grant funding; and providing an effective date.

#### **RESOLUTION 6960**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute the fourth amendment to the interlocal agreement between the City of Leesburg and Lake County relating to provision of Library services for reciprocal borrowers in Sumter County; and providing an effective date.

#### **RESOLUTION 6961**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for supplemental agreement #30, to the basic agreement between the parties pertaining to professional services related to on-site inspection, overall quality assurance, project administration, certification and close out related to the Air Traffic Control Tower project at Leesburg Regional Airport; and providing an effective date.

#### **RESOLUTION 6962**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a first amendment to the agreement with the Villages of Lake-Sumter, Inc., to provide reimbursement for solid waste disposal costs associated with Customs Inspection Services at the Leesburg Airport, and providing an effective date.

#### **RESOLUTION 6963**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an interlocal agreement amendment between the City of Leesburg and Lake County relating to improvements to the Main Street area; and providing an effective date.

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### RESOLUTION 6964

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for the purpose of leasing from the Board the real property formerly occupied by the Florida Department of Transportation as its maintenance facility; and providing an effective date.

### RESOLUTION 6965

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a deed in favor of the State of Florida Department of Transportation for the purpose of conveying to the Department of Transportation property or interests in property owned by the City of Leesburg, Florida, which are needed for the expansion of U.S. Highway 441; providing for reservation of utility easements; and providing an effective date. (Parcel 132.1)

### RESOLUTION 6966

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a deed in favor of the State of Florida Department of Transportation for the purpose of conveying to the Department of Transportation property or interests in property owned by the City of Leesburg, Florida, which are needed for the expansion of U.S. Highway 441; providing for reservation of utility easements; and providing an effective date. (Parcel 113.1R)

### RESOLUTION 6967

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an extension to the agreement between the City of Leesburg and Rispoli-Sosa Architects, Inc. for the purposes of extending the current contract for architectural and engineering services for the Library re-roofing project; and providing an effective date.

### RESOLUTION 6968

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the lease agreement amendment between the City of Leesburg and Cutrale Citrus Juices USA, Inc. for parking on City property at the Public Works Department; and providing an effective date.

### RESOLUTION 6969

A resolution of the City Commission of the City of Leesburg, Florida, adopting the Emergency Management Plan for the City of Leesburg and providing an effective date.

### RESOLUTION 6970

A resolution of the City Commission of the City of Leesburg, Florida, adopting the Emergency Operations Plan for the City of Leesburg and providing an effective date.

### Other Consent Items:

1. Authorize perpetual easement of Parcel 804 (Pond north of Civil Air Patrol Building)

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### **ADOPTED RESOLUTION 6971 AUTHORIZING AN AGREEMENT WITH TRUST FOR PUBLIC LANDS FOR THE LEASE/PURCHASE OF CSX PROPERTY**

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Commissioner Perry introduced the resolution to be read, by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with the Trust for Public Lands for lease/purchase of CSX property; and providing an effective date.

Commissioner Perry stated he pulled this item so everyone is aware of the risks involved in this action.

CA Morrison stated the Trust for Public Lands has an option, which expires at the end of 2003, to purchase the railroad ROW from CSX. The grant was approved in the ranking process by the State, but the State is now trying to determine how to fund this project as it is for rail banking and no outright fee title is given. Decision on funding is expected very soon. This may require other funding sources.

Commissioner Perry stated the Trust buys the property and then the City buys it from them. If the State cannot give the grant, it will require the City to get other funding.

DCM Johnson stated there are multiple properties included in the grant funding request, including the Pratt property, which the City has already purchased. Staff is proposing using the grant money to payback some of the acquisition cost of the Pratt property for as much as \$800,000.

CA Morrison stated the fear is the State will present an agreement with grant terms that will not be desirable. Usually the title goes to the State when rail property is abandoned. If the property is reactivated for rail use, the City may need to pay back the grant.

Commissioner Perry moved to adopt the resolution and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution.

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### PUBLIC HEARINGS:

#### **ADOPTED ORDINANCE 03-100 ACCEPTING AN EASEMENT FROM FIRST BAPTIST CHURCH OF OKAHUMPKA, INC. IN SECTION 15-20-24**

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from First Baptist Church of Okahumpka, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 15, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the ordinance.

#### **DENIED ORDINANCE 03-99 ANNEXING APPROXIMATELY 41 ACRES OWNED BY ENGINEERED LAND, LLC SOUTH AND EAST OF SUNNYSIDE DRIVE IN SECTION 20-19-25 AND REZONING FROM COUNTY R-1 AND A TO CITY R-1-A AND PLACING PROPERTY IN DISTRICT 1 (QUASI-JUDICIAL)**

ACC Richardson read the ordinance as follows:

An ordinance annexing certain property owned by Engineered Land, LLC, said property consisting of approximately 41 acres and being generally located south and east of Sunnyside Drive, lying in Section 30, Township 19 south, Range 25 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County R-1 (Rural Residential) and A (Agriculture) to City R-1-A (Single Family Residential); providing that said property shall be placed in Commission District 1; and providing for an effective date. (Engineered Lands LLC)

CA Morrison requested everyone who wished to possibly speak at this hearing rise and be sworn in. ACC Richardson swore in members of the audience who were to give testimony.

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Murray Tucker, president of the Sunnyside Association, spoke about the roads in the Sunnyside area. He noted Sleepy Hollow Road is narrow and becomes treacherous in the dark. Mr. Tucker stated nothing is being done about putting in a new road. Sleepy Hollow Road and Tomato Hill Road are falling apart. Trying to merge onto US 441 or cross over US 441 near the Hess Station is very difficult.

Larry Pierce, shift commander with the City of Leesburg Fire Department, suggested the annexation take place. He stated a joint response agreement with Lake County was signed 3 years ago, as Lake County could not provide adequate coverage in the area. He stated the nearest County station is located on Spring Lake Road and the second closest is in Bassville Park. Mr. Pierce stated the City of Leesburg provides the service now. He noted he was sure no one would turn a City fire truck away if there was a fire in the area.

Liz Tucker, a Sunnyside resident, stated there are other developments that will be under consideration in the near future. She is asking the City not to annex the area as high density as it will affect the way of life in Sunnyside. The residents want to live in the country, a rural area.

Melanie Peter, a third generation resident of Sunnyside, stated she loves the rural atmosphere. It is a legacy of her family. The planned improvements on the roads need to be done before the development is done.

Larry Taylor, a 30-year plus resident of Leesburg, member of the Planning and Zoning Commission, and property owner in Sunnyside, stated he feels someone tried to influence his vote on this issue when it was brought before the Planning and Zoning Commission. The Planning and Zoning Commission has made errors in the past and needs to look at the betterment for the City of Leesburg. What concerns him is to allow this type of annexation with the change in zoning. His big concern is the atmosphere they live in and the way of life in Sunnyside. The rural atmosphere needs to be preserved.

Carol Hilbish stated her property is downhill from the property proposed to be annexed. Historically, those lands have drained into the wetlands she owns. She stated her only agenda is to protect her land. She is not against the annexation as long as her land does not go down in value or wetlands are not damaged.

Steve Richey, attorney for the applicant, asked Ms. Hilbish which option of development most appropriately fits with how to develop the property. Ms. Hilbish stated the one house per acre and protecting the wetlands is the best option. She stated septic tanks are fine but she would like central water.

Joanne Belliveau, resident of Fern Drive, stated the last 5 years development has intensified the traffic even on Fern Drive. She wants it left country and rural. It is not fair to ask the residents to change the way they live. Safety issues with the traffic are there now.

Steve Richey asked Ms. Belliveau what size was her lot. She noted it is a quarter acre with septic and well.

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Gail Burry, resident of 328 Sunnyside Drive, distributed a handout of her remarks (attached). She stated the City embraced the Sunnyside Trails annexation with its five-acre lots. This current proposed annexation does not fit.

Commissioner Lovell stated neighborhood schools are important. While large schools are more cost effective, there is a need to get back to neighborhood schools in order to re- personalize the schools.

Mary Hudd, a resident of Sunnyside, stated there are options for the development to happen even without the annexation. She requested clarification on water and sewer requirements. CM Stock stated there are two sets of rules. Under the County, you must tap in to water supply, if your well is determined to be not good. In the City, you need to hook on to City water if it is available within 200 feet. The County states you must connect to City water if you are within 1000 feet. There would still need to be a determination of contamination of the well. Both rules are intended to limit the costs associated with being compelled to connect to City water.

Commissioner Perry asked CA Morrison to clarify an issue. He noted he purchased property and was compelled to connect to the City water. CA Morrison stated with new construction, you are compelled to connect the water. CA Morrison added there has been some discussion regarding the City "gobbling up" Sunnyside. There are a limited number of ways to annex property legally. The three ways are: 1) Voluntary; 2.) Consent of 50% of property owners; 3.) City passing an ordinance requesting a referendum to be voted on to annex the land.

Commissioner Puckett left the room at 6:13 p.m. and returned at 6:16 p.m.

Ms. Hudd asked if other property is to be developed, do they have to annex. CA Morrison stated the City does request annexation if you want City services. Ms. Hudd stated she would like to see a master plan first. CM Stock stated the City water line is already there and adding the sewer line does not add any threat.

David Cauthen, director of Sunnyside Homeowners Association, stated annexation may also be done by special Legislature act. CM Stock clarified he does not have a policy to annex this property or any other property. On the record, he is willing to swear under oath to state that he does not have a policy.

Commissioner Lovell questioned Mr. Cauthen as to whether he owned developable property in that area, and if so, as what density. Mr. Cauthen stated he does own property he wants to develop at one house per 5 acres. He added most property out there is 1 house per 5 acres.

Mr. Cauthen stated if the City passes this annexation, there is another 40-acre track on Tomato Hill Road that is to be annexed. The ballpark is creating a big concern. CM Stock stated a secondary roadway coming out to a 4-way stop is being suggested in order to preserve the trees on Sunnyside Drive. Mr. Cauthen stated Sunnyside roads are hazardous. No one wants to take possession of the roads and the problems. Mr. Cauthen noted a handout regarding a possible moratorium on annexations and rezonings in the Sunnyside area was distributed at this meeting. He would like to encourage the applicant to backup and wait for this moratorium.



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Gus Grizzard, resident and board member of the Sunnyside Homeowners Association, stated people are developing Sunnyside with one house per 5 acres. Density is the problem. Mr. Grizzard is requesting the City not allow higher density in the area.

Jimmy Burry, resident of Sunnyside Trails, is concerned about the impact on property value. He purchased his lot with the anticipation that neighbors would own 5, 7.5 or 10 acre lots. It is only fair to other property owners, this development be held to the zoning they bought.

Commissioner Lovell left the room at 7:04 p.m. and returned at 7:06 p.m.

Mr. Cauthen presented a petition to the Deputy City Clerk to be put in the records.

Steve Richey stated if this annexation is not allowed, then the applicant does not want City water or City sewer unless both are offered. Under the County zoning, the applicant is looking at 1 unit per acre. If water is available within 300 feet or sewer is available within 1000 feet, then the County states you must connect. The City requires an annexation agreement if you connect to City services. The property will not be developed with 5-acre tracks. If annexed, the property could be developed as 52 lots with City sewer and water. CM Stock required buffering and additional exit. If the property is developed in the County, the property will be developed on one-acre lots with one entrance, wells, septic, and no buffer. If developed in the City, the lots will be on City water and sewer with no buffering; or it will be developed as 52 lots on City water and sewer. The proposed moratorium has no bearing on this property as it has zoning and has owners already in the process of engineering this site.

CM Stock asked with 52 lots, is the applicant willing to have multiple size lots so all lots located on eastern and southern sides would be minimum of 1 acre with density being clustered more to north. Attorney Richey stated that probably is not a problem and could be reviewed. The applicant will still do 5 foot buffering, but that would be part of the lot. CM Stock asked if setbacks would be included. Mr. Richey stated the applicant is willing to sit down and review different plans.

Commissioner Lovell stated the City has a conundrum. The City has a document from 1986 that requests a seven units per acre density signed by Mr. Cauthen. David Cauthen stated the document was done to keep from higher density. Commissioner Lovell stated a higher density does not mean a bad community. The City cannot support a density that will not support the City services.

Commissioner Perry stated the higher density areas should be in the City. Lower density ought to stay in the County.

Steve Richey stated density is in the eye of the beholder. This property does not open up any other tracts for annexation. Annexation already goes beyond this property. This property will interconnect the area.

Commissioner Knowles stated he would rather see the City provide water than have 41 individual wells. The City has an obligation to offer services where applicable. He would like to discuss this further to solve problems.

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CM Stock noted his comments are not evidence at tonight's meeting and should not be considered when making the decision.

Mayor Connelly stated there has been good conversation on old type of government. He believes in home rule and people should have a vote in the density on where they live. He stated he will vote against it.

Steve Richey requested an answer on whether water would be included or not be part of the motion. CA Morrison stated it is not legally appropriate to vote on whether or not to include water.

Commissioner Lovell stated he believes in home rule. When the City does annex, the City needs to save money. He does not want the concept that people can come and intimidate the Commission. This decision is to be made for everyone who comes before the board. Commissioner Lovell wants to be sure that what is done is based on the best policy for the City. The City needs to look at each issue on the basis of the issue and nothing else. He will never vote for a septic tank within the City of Leesburg. Density is only one factor to consider in a bad neighborhood.

Commissioner Lovell moved to allow the annexation with a density of 50 houses and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	No
Commissioner Puckett	No
Commissioner Knowles	No
Commissioner Lovell	Yea
Mayor Connelly	No

One yea, four nays, the Commission denied the ordinance.

### **PULLED THE RESOLUTION APPROVING A DEVELOPER'S AGREEMENT WITH ENGINEERED LAND, LLC**

CA Morrison stated this is moot since the property is not annexed. He will meet with Steve Richey to review.

Commissioner Knowles stated there is an advantage to offer water rather than have 41 wells. Commissioner Perry agreed.

Mayor Connelly called a 5- minute break at 7:44 p.m. The meeting reconvened at 7:50 p.m.

### **ADOPTED ORDINANCE 03-101 RENAMING ORANGE STREET TO MARKET STREET**

ACC Richardson read the ordinance as follows:

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An ordinance renaming Orange Street being an existing street shown on the map of the official plat of the City of Leesburg as recorded in Plat Book 2, Page 19, Public Records of Lake County, Florida, and lying in Section 26, Township 19 south, Range 24 east; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Puckett seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the ordinance.

### **ADOPTED ORDINANCE 03-102 RENAMING WASHINGTON B STREET TO UPSHAW PLACE**

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ACC Richardson read the ordinance by title only, as follows:

An ordinance renaming Washington B Street being an existing street in the City of Leesburg, Florida, and renaming it Upshaw Place, and lying in Section 26, Township 19 south, Range 24 east; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the ordinance.

### **INTRODUCED AN ORDINANCE CREATING §30-17 OF THE CODE OF ORDINANCES TO CREATE A HISTORIC PLAQUE PROGRAM**

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Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, creating §30-17 of the Code of Ordinances, to create a Historic Plaque Program; specifying criteria to govern award of historic plaques; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

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### **INTRODUCED AN ORDINANCE REZONING APPROXIMATELY .21 ACRES OWNED BY JAMES STEVENS FROM R-3 TO PSC PINE STREET COMMERCIAL ON THE WEST SIDE OF CHILDS STREET, SOUTH OF PINE STREET**

Commissioner Puckett introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately .21 acres generally located approximately 65 feet south of the intersection of Pine Street and Childs Street, lying in Section 26, Township 19 south, Range 24 east, Lake County, Florida, from R-3 (moderate density residential) to PSC (Pine Street Commercial); and providing for an effective date. (James Stevens)

Commissioner Perry stated there are conflicting staff recommendations.

CM Stock noted the Planning and Zoning staff did not want to deal with this on a single issue basis, but wanted to wait for the CDC market land study to be completed prior to making a decision. They requested Mr. Stevens wait to go forward with this request. This was a mistake as this property is not included in the CDC market land study. Mr. Stevens is now requesting this change be made.

### **APPROVED AUTHORIZATION OF AN ELECTRIC AND GAS RATE STUDY TO BE PERFORMED THROUGH THE FLORIDA MUNICIPAL POWER AGENCY (FMPA)**

Electric and Gas Director (EGD) Lloyd Shank stated the deregulation committee recommended this study be done. Staff is recommending this study be done as administration costs have not been passed on in the BPCA charge adjustment. Increasing natural gas costs mean more administrative costs.

Commissioner Lovell moved to approve authorization of an electric and gas rate study. Commissioner Puckett seconded the motion.

Commissioner Perry stated this is the City hiring another consultant and spending \$30,000 or so and only to come back with recommendation to raise rates. Commissioner Perry is against raising rates now.

EGD Shank stated he recommends the consultant do the work with help from the Finance Department in order to hold down costs. The consultant is needed for guidance. Rates go through the Public Service Commission for approval.

Mayor Connelly questioned the recommended frequency of this type of study. EGD Shank stated there was a partial study done in 1997 when the City began looking at deregulation.

The roll call vote was:

Commissioner Perry	No
Commissioner Puckett	Yea

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Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, one nay, the Commission approved the authorization of the study.

### **APPROVED RANKING OF FIRMS TO PROVIDE A FACILITY NEEDS ANALYSIS FOR A RECREATION GYMNASIUM**

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CM Stock stated two applications were received. Staff recommends Scott Partnership first and Senatore as second.

Commissioner Lovell said his representative stated this initiative did not come through the Recreation Board. Commissioners Perry and Puckett agreed stating their representatives said the same thing.

DCM Johnson noted the Recreation Board was not involved in the ranking. DCM Johnson stated the Recreation Board's concern is with the number of sites that are being reviewed. DCM Johnson stated the board has discussed this several times.

Recreation and Parks Director (RPD) Yvette Hartsfield stated the Recreation Board was not concerned with the ranking but with the site review. A meeting is scheduled for next Wednesday to review possible other sites.

Commissioner Perry stated the City Commission is jumping the gun.

Commissioner Lovell moved to approve the ranking of the firms.

Commissioner Perry suggested taking this back to the Recreation Board to review a need assessment and then bring it back to the City Commission.

Mayor Connelly passed the gavel to Mayor Pro-Tem Knowles. Commissioner Connelly seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Connelly	Yea
Mayor Pro-Tem Knowles	Yea

Five yeas, no nays, the Commission approved the ranking of the firms for the needs analysis for a recreation gymnasium.

**APPROVED RANKING OF FIRMS TO PROVIDE DESIGN SERVICES FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE FACILITY ON 14<sup>TH</sup> STREET**

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CM Stock stated staff recommends Bentley Architects & Engineers, Inc. of Longwood to provide the design services for the FDOT yard. Staff is requesting authorization of begin negotiations with Bentley Architects & Engineers, Inc.

Commissioner Perry moved to approve the ranking of the firms and to begin negotiations with Bentley Architects & Engineers, Inc. Commissioner Knowles seconded the motion and it passed unanimously.

**REQUEST FROM MATHEW KANG TO AMEND USES PERMITTED AT LEESBURG REGIONAL AIRPORT WAS WITHDRAWN**

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This item was withdrawn from the agenda prior to the meeting.

**CITY ATTORNEY ITEMS:**

CA Morrison stated he received good news on the Sumter County landfill lawsuits. The lawsuits have been dismissed as the applicant withdrew his application for the landfill. This is not a permanent solution. The applicant will fix the legal and procedure problems and then re-apply. This will give the residents a chance to appear before the Sumter County Commission. CA Morrison stated this is a good outcome.

**CITY MANAGER ITEMS:**

A. CM Stock stated Mrs. Newell approached the City to buy the City property right next to her parcels on US Hwy 441 and Newell Hill Road. He asked the Commission the direction they would like him to proceed.

Several Commissioners questioned if the property was needed by the City for any reason. CM Stock stated there is no need for the City to retain the property.

Commissioner Perry moved to accept the offer. Commissioner Puckett seconded the motion and it passed unanimously.

B. CM Stock stated he was not sure if he had gotten all of the approvals he needed on filling the position of City Clerk. He is recommending the appointment of Betty Richardson as City Clerk.

Commissioner Perry stated all the ordinances and the charter state the City Clerk/Finance Director is one position. These need changing first before an appointment is made.

CM Stock stated it is not part of the charter, but is in the Code of Ordinances.

Commissioner Lovell moved to approve the appointment of Betty Richardson as City Clerk. Commissioner Puckett seconded the motion and it passed unanimously.

## MINUTES OF THE CITY COMMISSION MEETING HELD NOVEMBER 10, 2003

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C. CM Stock stated he received a letter from the County asking the City to delay the change to the garbage ordinance. The County is requesting a joint meeting on the Covanta matter. This could possibly occur after the first of the year.

Commissioner Lovell stated he was on the Commission when the contract with the County was approved. The City played a big part in the contract. The County has now broken its agreement with the City.

CM Stock stated the City and County have talked staff to staff, and then the City started to withhold money. Earlier this year, the Commission adopted a resolution for mandatory mediation in this matter. CM Stock stated there is nothing which requires the City to act immediately. Staff is recommending giving the County the benefit and hold off on any actions.

D. CM Stock stated Staff has prepared a resolution for a moratorium which allows for a master plan for the Sunnyside area be completed. He stated many property owners have contacted the City regarding annexation, etc. This will be brought back at a later meeting.

Commissioner Knowles agreed stating this item should be brought back at the next Commission meeting.

### ROLL CALL:

Commissioner Lovell – nothing

Commissioner Perry – nothing

Commissioner Puckett – nothing

Commissioner Knowles – nothing

Mayor Connelly - nothing

Commissioner Perry moved to adjourn the meeting and Commissioner Puckett seconded the motion. The meeting adjourned at 8:35 p.m.

Attest:

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Mayor

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City Clerk

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*Diane L. Gibson Smith*

Recorder

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